

Attorney's Docket: 2001DE305
Serial No.: 10/085,368
Art Unit 1624

REMARKS

In the restriction filed August 12, 2003, the invention was restricted into four groups, where:

- Group I was drawn to claims 1 to 10 (in part);
- Group II was drawn to claims 1 to 10 (in part);
- Group III was drawn to claims 1 to 10 (in part); and
- Group IV was drawn to claims 1 to 10 (in part).

Applicants traverse this restriction requirement. On page 2, section 2 of the restriction the office states that:

"Inventions I-IV are related as product and process of use."

This statement is incorrect. The Application is drawn to a process for preparing boronic acids by reaction of chloroaromatics with lithium metal and boron compounds in a solvent. As none of the claims deal with a product or, a process for the use of a product, the Office has failed to make out a prima facie case for restriction and as such the restriction should be withdrawn.

Applicants concur with the Office's assessment that the application contains claims to patentably distinct species.

For purposes of responsiveness Applicants' elect Group I, with traverse. Applicants reserve the right to file one or more divisional applications to the non-elected subject matter.

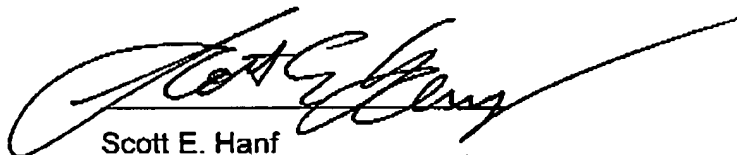
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Applicants would like to point out to the Examiner that an IDS was filed on this case on April 24, 2002. Applicant respectfully requests that these references be considered for the purposes of Examination.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

Reconsideration and allowance of this application is respectfully requested.

Respectfully submitted,



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